



3738

PTO/SB/21 (04-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/783,253	
	Filing Date	February 13, 2001	
	First Named Inventor	Sirhan, Motasim	
	Art Unit	3738	
	Examiner Name	PHAN, H.	
Total Number of Pages in This Submission	4	Attorney Docket Number	020460-000910US 141-1-CIP

ENCLOSURES (Check all that apply)

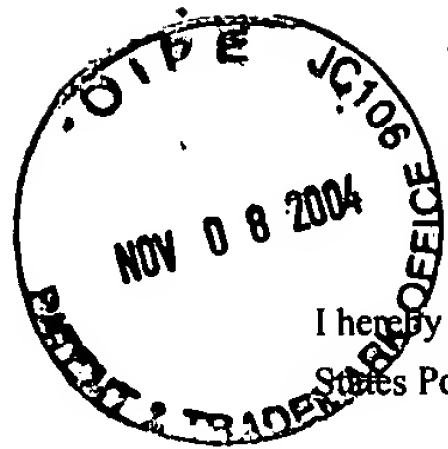
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP James M. Heslin	Reg. No. 29,541
Signature		
Date	November 4, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

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TOWNSEND and TOWNSEND and CREW LLP

By:

JoAnn Evangelista
JoAnn Evangelista

PATENT

Attorney Docket No.: 020460-000910US

Client Reference No. 141-1-CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SIRHAN, MOTASIM et al.

Application No.: 09/783,253

Filed: February 13, 2001

For: APPARATUS AND METHODS
FOR CONTROLLED
SUBSTANCE DELIVERY FROM
IMPLANTED PROSTHESES

Confirmation No. 1700

Examiner: PHAN, HIEU

Technology Center/Art Unit: 3738

**TELEPHONIC INTERVIEW
SUMMARY pursuant to 37 CFR 1.133
and MPEP 713.04**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's undersigned attorney called Examiner McDermott, Examiner Phan's Supervisor, regarding the status of three related cases:

Application Nos. 09/783,253;

09/783,254; and

10/002,595.

In each of these cases, restriction/election of species requirements had been sent out by Examiner Phan. Attempts to reach Examiner Phan by telephone were unsuccessful, so a call was made to Examiner McDermott.

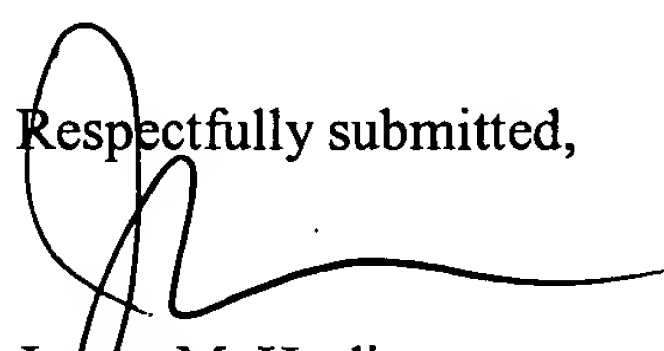
In 09/783,253, a second restriction requirement had been sent out after two substantive responses and an appeal brief had been filed by Applicants. Examiner McDermott indicated that she was going to discuss this case with Examiner Phan and instruct him to withdraw the restriction mailed on August 11, 2004.

In 09/783,254, a second restriction had been sent out after Applicants had filed four substantive responses to four office actions. Examiner McDermott indicated that she was going to discuss this case with Examiner Phan and instruct him to withdraw the restriction mailed on August 24, 2004.

In 10/002,595, Examiner McDermott indicated that she did not believe that the third restriction requirement mailed on August 11, 2004 was improper. Applicants reserve the right to traverse the restriction should they choose to do so.

On Tuesday, October 12, 2004, Examiner Phan phoned Applicant's attorney to discuss these cases and left voicemail message. Attempts to return the call to Examiner Phan have been unsuccessful.

Respectfully submitted,



James M. Heslin
Reg. No. 29,541

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